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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Summary record (partial)* of the 4th meeting
Held at Headquarters, New York, on Monday, 12 June 2017, at 3 p.m.

Chair:	Mr. Ramirez Carreño	(Bolivarian Republic of Venezuela)
later:	Ms. Rodriguez Abascal (Vice-Chair)	(Cuba)
later:	Mr. Ramirez Carreño (Chair)	(Bolivarian Republic of Venezuela)

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* No summary record was prepared for the final portion of the meeting.

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The meeting was called to order at 3.15 p.m.

Question of Gibraltar (A/AC.109/2017/8)

1. **The Chair** informed the Committee that the delegation of Spain had indicated its wish to participate in the Committee's consideration of the item. He drew attention to the working paper prepared by the Secretariat on the question of Gibraltar (A/AC.109/2017/8).

Hearing of representatives of the Non-Self-Governing Territory

2. *At the invitation of the Chair, Mr. Picardo (Chief Minister, Gibraltar) took a place at the Committee table.*

3. **Mr. Picardo** (Chief Minister, Gibraltar) said that the Chair's position against conducting a visiting mission to Gibraltar defied logic, had been rejected by the General Assembly and was unacceptable to the Government and people of Gibraltar. Their right to self-determination was not vitiated by some non-existent doctrine which stated that sovereignty disputes suspended the application of inalienable rights, despite the Chair's attempts to shoehorn one in, and no such distinction should determine which Territories were visited by the Committee. Removing Gibraltar from the list of visiting missions would make a mockery of the Committee's work, but Gibraltar would not be worn down by the years of inaction and failure.

4. Since he had last addressed the Committee, the United Kingdom had voted to leave the European Union ("Brexit"), and although the people of Gibraltar had voted overwhelmingly to remain, they would leave with the United Kingdom. It had been nearly 50 years since the first referendum in which more than 99 per cent of the people of Gibraltar had voted to remain British. In those five decades, they had been made to pay a high price for their choice. The referendum should have marked the end of the "question of Gibraltar" on the Committee's agenda, but the Committee had still not removed it from the list of Non-Self-Governing Territories. In 2006, the people of Gibraltar had exercised their right to self-determination and had chosen the current Constitution as the tailor-made fourth option available under the relevant General Assembly resolutions, reaching the maximum level of self-governance short of independence.

5. In 2002, the people of Gibraltar had once again rejected joint sovereignty in a second referendum. Regardless of Brexit, another referendum on joint or full Spanish sovereignty over Gibraltar would yield the same results, as Gibraltar remained steadfast in its rejection of any aspect of Spanish sovereignty, jurisdiction or control. While Gibraltar welcomed the more conciliatory tone adopted by the Spanish Government, it rejected the continued insistence on joint sovereignty. Democracies must accept the results of free and fair choices made at the ballot box. Nevertheless, Gibraltar did not reject the notion of cooperation with Spain. Every day, 12,000 workers crossed the border from Spain, and Gibraltar contributed 25 per cent of the gross domestic product of the neighbouring Spanish region.

6. Gibraltar and the United Kingdom remained strongly committed to the trilateral Forum for Dialogue on Gibraltar, and Spain was urged to engage with Gibraltar and the United Kingdom in a mutually acceptable dialogue to resolve the issues that would arise as a result of Brexit. Gibraltar would engage with Spain to find common ground and solutions without compromising its principles. After Brexit, it would remain a highly successful international business hub and would not waver in its resolve to determine its own sovereignty. The Committee must stop failing the people of Gibraltar and should send a visiting mission. Those opposed to such a visit were merely trying to prevent the Committee from seeing the truth, which would force it to support Gibraltar's request to be delisted.

7. *Mr. Picardo withdrew.*

8. **Ms. Pedros Carretero** (Observer for Spain) said that, in 1704, the United Kingdom had occupied Gibraltar, expelling the original inhabitants. It had artificially repopulated the territory and had then enlarged its holding, by illegally seizing land and waters not ceded in 1713 under the Treaty of Utrecht. The United Nations had repeatedly recognized that the colonial situation of Gibraltar undermined the territorial integrity of Spain. A definitive solution must involve the return of the land ceded under that Treaty and later illegally occupied by the United Kingdom.

9. The question of Gibraltar was a decolonization issue, not a territorial or border dispute. For 50 years, the General Assembly had been calling for the administering Power and Spain to engage in bilateral negotiations to reach a definitive solution, in accordance with the Brussels Process, the relevant General Assembly resolutions and the conclusions of the regional seminars. Furthermore, General Assembly resolution 2353 (XXII) had denounced the referendum held by the administering Power in 1967.

10. Year after year, Spain invited the United Kingdom to engage in negotiations to end the colonial

situation, while taking into account the interests of the people of the Territory. It remained open to dialogue, and to joint sovereignty over Gibraltar pending a definitive solution in accordance with General Assembly resolutions. The continued socioeconomic well-being of the area and of the Spanish workers in Gibraltar and the Campo de Gibraltar was essential. Spain had therefore proposed a new framework for regional cooperation that would involve Spain, the United Kingdom and both the Gibraltarian and Spanish local authorities.

11. The only solution to the question of Gibraltar was decolonization negotiated between Spain and the United Kingdom under the terms established by the United Nations. Spain attached great importance to the work of the Committee and to the need to respect United Nations procedures on decolonization. The issue would be resolved through legal means and dialogue, not through accusations levelled against the Committee, as had been heard during the Caribbean regional seminar from the representative of Gibraltar. Spain was confident that the Committee would not remove from the list of Non-Self-Governing Territories any Territory that had not been decolonized pursuant to its own criteria, and that under its direction the necessary advances would be made for the decolonization of Gibraltar.

Hearing of petitioners

12. *At the invitation of the Chair, Mr. Buttigieg (Self-Determination for Gibraltar Group) took a place at the petitioners' table.*

13. **Mr. Buttigieg** (Self-Determination for Gibraltar Group) said that the statements made by the Spanish delegation under the guise of friendship belied Spanish actions in Gibraltar. Unfortunately, the Committee could not attest to that as it continuously failed in its duty to send a visiting mission, which would witness first-hand the unnecessary queues at the border and the frequent illegal incursions of Spanish naval assets into the territorial waters of British Gibraltar. It would also see that Gibraltar was not a haven for illegal activities, contrary to the spiteful accusations by Spain.

14. He agreed with the Government of Spain that, as a colony within Europe, Gibraltar was an anachronism, but he then wondered why Spain opposed the repeated decolonization requests made to the Committee. Its position was hypocritical and malicious, and it did not really wish to see Gibraltar decolonized. Instead, it merely wished to obtain sovereignty over Gibraltar against the democratically expressed wishes of the people, trampling the right to self-determination enshrined in the Charter of the United Nations. The Spanish proposal for joint sovereignty would merely perpetuate the colonial status of Gibraltar, as sharing or transferring the sovereignty of a nation between third parties was not one of the decolonization options recognized by the United Nations.

15. The Committee must not allow itself to be deceived by the Spanish delegation. It must do more than pass the same stale resolution which did not advance the issue. Any attempt to resolve the issue without respecting the wishes of the Gibraltarians was doomed to fail. The Committee must take decisive and firm action, and should inform Gibraltar of the necessary actions to be taken in order to meet the criteria to achieve decolonization. The Committee must ensure that no one denied the Gibraltarians their fundamental right to self-determination. The Self-Determination for Gibraltar Group was not secessionist and did not seek conflict. The Group would welcome the opportunity to live in harmony with Spain, but would continue to fight for the right of the Gibraltarians to remain British and to choose their own identity.

16. *Mr. Buttigieg withdrew.*

17. **Mr. Arcia Vivas** (Bolivarian Republic of Venezuela) said that the parties should continue discussions to reach a definitive solution to the dispute over Gibraltar, in accordance with international law, the relevant General Assembly resolutions and the Charter of the United Nations.

18. **The Chair** said that the Committee would like for the United Kingdom delegation to attend the meeting as the administering Power of Gibraltar.

Question of Tokelau (A/AC.109/2017/14)

19. **The Chair** drew attention to the working paper prepared by the Secretariat on the question of Tokelau (A/AC.109/2017/14).

Hearing of representatives of the Non-Self-Governing Territory

20. **The Chair** said that, in line with the Committee's usual practice, representatives of the Non-Self-Governing Territory would be invited to address the Committee and would withdraw after making their statements.

21. **Mr. Perez** (Ulu-o-Tokelau), titular head of the Territory, said that the people of Tokelau remained determined to develop their homeland. The Territory had been practising self-government for some time, and the biggest challenge lay in harmonizing the

governance of the three distinct villages, but other challenges included skills gaps in the workforce, distance from supply markets and the transportation of goods and people. Tokelau must be supported to establish its own governance structure because, if undertaken correctly, self-governance should ultimately lead to self-determination. In order to build confidence in the self-governance model, the taupulega (village councils), the General Fono and the Council of Ongoing Government must represent ordinary fishermen and weavers. A modern Tokelau, strengthened through robust service delivery to raise the quality of life, required adapting to the changing times while holding on to the principles of the "Tokelau way".

22. The United Nations had taken the lead in global efforts to address the impact of climate change and sea level rise on the lives of Tokelauans. The reality of climate change was visible in the changes to the coastal environment, rising temperatures and the acidification of lagoons, affecting food security. Unfortunately, owing to its political status, Tokelau was not eligible for many of the United Nations climate-change resources, such as the Green Climate Fund. The provision of assistance to address climate change should be based on the reality of the area, as climate change did not recognize political boundaries.

23. His appearance before the Committee was motivated by a wish to take back to Tokelau a renewed vision for the future, particularly given the importance the Committee attached to issues such as the relevance of climate change to the decolonization process and to treating each Territory on a case-by-case basis. Territories should be given special consideration when engaging in meaningful partnerships with United Nations bodies specializing in climate change under the 2030 Agenda for Sustainable Development. The world was at a critical juncture and Tokelau could not afford to have its political status limit its ability to be heard on such issues. The decolonization process and development issues were not parallel; they were one and the same for Tokelau.

24. Concerning key developments since 2016, construction was under way on a new school and hospital, and rehabilitation work on the reef passages and wharfs would begin in September 2017. The Government of New Zealand was working with Tokelau to improve the quality of teaching in schools, mitigate risks in its fisheries sector and ensure active participation in climate change programmes. In May 2017, Tokelau had held a summit on non-communicable diseases, and the three taupulega had reaffirmed their commitment to prioritize transportation. A mobile network had been launched and the Government of New Zealand was working with Tokelau on the possibility of a submarine cable to improve connectivity. Tokelau continued to look to its development partners and the United Nations system to support its infrastructure goals, and was working with the United Nations Development Programme to ensure that future development frameworks such as the Sustainable Development Goals responded to local priorities, targets and indicators.

25. The exclusive economic zone was a major source of revenue for Tokelau. While fishing revenues had increased markedly in recent years, bolstering the budget, it was not a guaranteed income given the variabilities of climate and oceanic conditions, the migratory nature of target species and the increasing sophistication of fishing patterns. In planning, Tokelau sought to maximise opportunities from marine resources but also to avoid an overreliance on projected income.

26. While self-determination was not an immediate priority, the work to build robust infrastructure, as well as clear structures, systems and procedures within village and national institutions to support good governance, was pivotal for the development of resilience and self-reliance. Tokelau had come a long way, and such progress would not have been possible without the generous support of the Government of New Zealand. Tokelau was very grateful for the assistance it continued to receive as it strived to meet the aspirations of its people for a stronger, brighter and more reliable future. It was also grateful for the interest shown by the Committee and the United Nations as a whole in the welfare of Tokelauans.

27. **Mr. Maleki** (Islamic Republic of Iran) said that there were nearly five times as many Tokelauans living in New Zealand as there were in Tokelau itself, which was evidence of the economic hardships of living in Tokelau. His delegation therefore wondered how the challenges facing Tokelau affected the self-determination options available to the people.

28. **Mr. Koroma** (Sierra Leone) said that his delegation supported the healthy relationship between the people of Tokelau and the Government of New Zealand, and other administering Powers should follow that example. The Government of New Zealand had done a great deal but it should ensure that Tokelau was able to tackle the challenges arising from climate change given that its political status prevented it from accessing United Nations climate change resources.

29. **Mr. Nicholson** (Administrator of Tokelau) said that Tokelau faced persistent challenges owing to its

small population and its position as one of the most geographically isolated countries in the world. Nonetheless, Tokelau had consistently charted a course that preserved its unique culture, language and traditions, and sought assistance to safeguard its environment and adapt to the impacts of climate change.

30. Referendums in 2006 and 2007 had not achieved the majority needed for independence as determined by Tokelau, which had resulted in a long pause in the decolonization process. However, the 2007 referendum had fallen just short of the two-thirds majority, reflecting the considerable desire of the people of Tokelau to achieve greater self-governance. At the behest of Tokelau, New Zealand remained focused on improving quality of life on the three atolls and supported Tokelau in its careful, deliberate and forward-looking approach to self-governance.

31. Tokelau had developed politically: the confidence of the General Fono was growing as it worked to strengthen governance and enhance national planning. On paper, the Administrator of Tokelau and the Minister for Foreign Affairs of New Zealand had great responsibilities and power over Tokelau, but, in practice, Tokelau's leaders naturally wished to make the decisions for their people. As a result, the dialogue between New Zealand and Tokelau needed to be open and timely in order to navigate between the constitutional reality and the practice of self-governance. It was not for New Zealand to set the pace of the decolonization process, but rather to support Tokelau to work towards an outcome of sustained autonomy, where it would have as much self-governance as was feasible, in accordance with its own preferences.

32. New Zealand was committed to its constitutional relationship with the Government and people of Tokelau and remained focused on ensuring that all Tokelauans received appropriate essential services, while also supporting and building Tokelauan governance capability and confidence. Those efforts required ongoing dialogue, a substantial level of general budget support and effective responses to requests for assistance. New Zealand had contributed $12 million to the 2016-2017 general budget for the provision of core public services and expected to contribute an additional $5 million to support improvements in transportation, education, fisheries management, governance, bio security and disaster resilience.

33. Among the many work streams currently under way was the development of an international safety management system for the Mataliki, the purpose-built ferry that had begun service in March 2016. The Government of New Zealand had also committed to gifting a fast inter-atoll vessel for search and rescue missions, medical evacuations and general transportation between the atolls, and was working closely with Tokelau on the rehabilitation of the reef passages and wharfs. In fisheries, revenue had greatly increased from license fees to fish in Tokelau's exclusive economic zone, which had become its largest income resource. New Zealand was assisting with a series of fisheries reforms to improve governance and establish a new fisheries management agency for Tokelau. In telecommunications, New Zealand was working with the Government of Tokelau to improve Internet connectivity through a submarine cable and related onshore infrastructure.

34. The Government of New Zealand provided support for efforts to adapt to climate change and reduce the incidence and impact of non-communicable diseases. Tokelau participated in the New Zealand Pacific Partnership on Ocean Acidification, a four-year initiative funded by New Zealand and managed by the Pacific Regional Environment Programme. New Zealand was also working with Tokelau to reduce the risks of coastal flooding. New Zealand continued to value its close association with Tokelau, was resolute in supporting those remote communities of New Zealand citizens and welcomed the Committee's ongoing interest in Tokelau.

35. **Mr. Arcia Vivas** (Bolivarian Republic of Venezuela) said that his delegation welcomed the willingness of New Zealand to cooperate with Tokelau to meet its social and economic needs, improve quality of life and provide greater opportunities for its inhabitants. As the administering Power, New Zealand should continue to work with Tokelau to find solutions to the challenges facing the Territory, including climate change, environmental and oceanic protection, and sustainable development planning. It should also provide the necessary assistance to accelerate progress on decolonization.

The meeting was suspended at 4.20 p.m. and resumed at 4.25 p.m.

Question of Western Sahara (A/AC.109/2017/17)

36. **The Chair** drew attention to the working paper prepared by the Secretariat on the question of Western Sahara (A/AC.109/2017/17).

37. **Mr. Rivero Rosario** (Cuba) said that his delegation supported the right of Western Sahara to self-determination, in accordance with the Charter of

the United Nations, the relevant United Nations resolutions and international law. He drew attention to the Communiqué of the Peace and Security Council of the African Union of March 2017 on the situation in Western Sahara, which called for greater international support and renewed efforts to achieve a timely and definitive resolution. His delegation hoped that the relevant General Assembly and Security Council resolutions would be implemented.

38. Since 1976, Cuba had provided constant support to the Sahrawi people. Cuban medical brigades had worked in refugee camps in North Africa, and more than 2,500 students from the Sahrawi Arab Democratic Republic had graduated from Cuban universities. Cuba stood in solidarity with the Sahrawi people in their fight to exercise their legitimate rights and would continue to support efforts to reach a just and lasting solution on the question of Western Sahara.

39. **Mr. Arcia Vivas** (Bolivarian Republic of Venezuela) said that the people of Western Sahara had the inalienable right to self-determination and his delegation supported the efforts to reach a just and lasting political solution to the dispute in accordance with the Charter of the United Nations and the Declaration on the Granting of Independence to Colonial Countries and Peoples. The General Assembly and the Security Council had adopted more than 40 resolutions calling for a referendum on self-determination and the parties must allow that referendum to take place.

40. The status quo on the question of Western Sahara was unsustainable, affected international peace and security and further complicated the geopolitical situation of the Maghreb. The Committee should strengthen its efforts to implement the Plan of Action for the Third International Decade for the Eradication of Colonialism and should conduct a visiting mission to Western Sahara. His delegation was concerned at the deteriorating humanitarian situation of the Sahrawi people and called on the international community to provide assistance for displaced Sahrawis. The allocation of concessions for the exploitation of natural resources in the exclusive economic zone of Western Sahara must stop. Furthermore, States should cease any economic activity in the Territory that was detrimental to the interests of its inhabitants, in accordance with the relevant General Assembly resolutions.

41. One of the parties to the conflict had long obstructed efforts to hold a referendum for the Sahrawi people. His delegation called for the resumption of direct negotiations between the Frente Polisario, the recognized representative of the people of Western Sahara, and the Government of Morocco, which had been called on to end its occupation of the Territory. The Committee should remind the parties of their responsibility to work decisively to find a just solution and to allow the Sahrawi people to exercise their right to self-determination.

42. **Mr. Bouah-Kamon** (Côte d'Ivoire) said that the situations of the Non-Self-Governing Territories had arisen as a result of both internal factors and a complex international environment, and they should therefore be treated on a case-by-case basis. In the case of Western Sahara, the parties needed to show political will and should work in an atmosphere favouring dialogue. Furthermore, the neighbouring States should cooperate fully with the United Nations and should lend appropriate assistance. His delegation hoped that the parties could come together in a spirit of compromise to find a just, lasting and mutually acceptable political solution. In that context, it welcomed the efforts by Morocco to find a definitive political solution to the question of the Moroccan Sahara and supported the Moroccan proposal to grant extensive autonomy to the Sahara region. Lastly, his delegation looked forward to the official appointment of the Personal Envoy of the Secretary-General for Western Sahara and to the new road map, which it hoped would prioritize the interests of the people in the Sahara region, in line with ongoing initiatives to find lasting solutions to the conflict.

43. **Ms. McGuire** (Grenada) said that Grenada supported the political process endorsed by the Security Council aimed at achieving a just, lasting and mutually acceptable political solution to the Western Sahara dispute. In that regard, her delegation welcomed the autonomy initiative presented by Morocco in 2007, which represented a serious and credible proposal to end the dispute. It also welcomed the regional and legislative elections held in Morocco in 2015 and 2016.

44. Her delegation commended the measures taken by Morocco to protect human rights, and its cooperation with all the United Nations human rights mechanisms. It also commended the technical visits of the Office of the United Nations High Commissioner for Human Rights (OHCHR) to Western Sahara and the Tindouf refugee camps in 2015. It firmly supported the Security Council's call for enhanced cooperation with OHCHR, including through facilitating further visits to the region, and its reiterated request for consideration of a refugee registration in the Tindouf refugee camps.

45. **Mr. Mekonen** (Ethiopia) said that the Committee needed to accelerate implementation of the Plan of Action for the Third International Decade for the

Eradication of Colonialism. On the question of Western Sahara, renewed efforts were needed to resolve the political impasse and facilitate the resumption of direct negotiations between the parties. In that regard, the new Personal Envoy of the Secretary-General for Western Sahara would play an instrumental role and it was encouraging that both parties had accepted the appointment of Horst Köhler to that position.

46. Ethiopia had consistently supported a just, lasting and mutually acceptable political solution that would allow for the self-determination of the people of Western Sahara, in accordance with the United Nations Charter. The Committee played an important role in fulfilling those aspirations, and Ethiopia would support every effort made in that regard.

47. **Ms. Bannis-Roberts** (Dominica) said that Dominica fully supported the United Nations-led political process aimed at bringing about a mutually acceptable and negotiated solution to the regional dispute with the full participation of the parties and neighbouring States. In that regard, it also supported the serious and credible autonomy initiative presented by Morocco in 2007, which would allow the people of the Sahara region to enjoy all their rights, including the right to self-determination. Resolution of the dispute would strengthen stability and security in the region, and her delegation welcomed the efforts of Morocco to enhance regional and subregional cooperation to address security challenges. It also welcomed the new development model launched by Morocco in 2015, with a budget of $7.7 billion, which would help to improve the living standards of the Saharan people and support their empowerment.

48. Her delegation was pleased to note that peaceful, transparent and democratic elections had been held in the Sahara in 2015 and 2016, which had allowed the people of the Sahara to choose their own representatives at the local and national levels. Dominica welcomed the human rights achievements of Morocco, including its interactions with international human rights mechanisms and the role played by the regional commissions of the National Council on Human Rights.

49. **Ms. Challenger** (Antigua and Barbuda) said that the Committee should treat each Territory on a case-by-case basis and should employ new and innovative approaches based on compromise. Her delegation supported the Moroccan autonomy initiative proposed in 2007, which was consistent with international law and the United Nations Charter, and constituted a serious and credible Moroccan effort to solve the regional dispute. Her delegation congratulated Morocco on the regional and legislative elections held in 2015 and 2016, which had been conducted without incident. It also welcomed the cooperation of Morocco with the special procedures of the Human Rights Council and its standing invitation for a visit to the Territory.

50. **Mr. Jiménez** (Nicaragua) said that the people of Western Sahara had the inalienable right to self-determination and his delegation supported the efforts to reach a just and lasting political solution to the dispute in accordance with the Charter of the United Nations and the Declaration on the Granting of Independence to Colonial Countries and Peoples. The General Assembly and the Security Council had adopted more than 40 resolutions on Western Sahara, and the Committee must guarantee a referendum on self-determination for the Sahrawi people. One of the parties to the conflict had long obstructed efforts to hold such a referendum. His delegation called for the resumption of direct negotiations between the Frente Polisario, the recognized representative of the people of Western Sahara, and the Government of Morocco, which had been called on to end its occupation of the Territory. The Committee should remind the parties of their responsibility to work decisively to find a just solution and to allow the Sahrawi people to exercise their inalienable right to self-determination.

51. **Mr. Condor** (Saint Kitts and Nevis) said that his country was committed to the search for a just and equitable solution to the question of Western Sahara and it supported the statements made by the representatives of Dominica, Grenada and Antigua and Barbuda.

52. **Ms. Pires** (Timor-Leste) said that the people of Western Sahara had the inalienable right to self-determination, and her delegation fully supported the Frente Polisario as the legitimate representative of the people of Western Sahara. A lasting solution must involve both the Frente Polisario and the people of Western Sahara.

53. Timor-Leste fully supported the efforts of the Secretary-General to find a political solution to the question of Western Sahara and hoped that the appointment of the Personal Envoy of the Secretary-General for Western Sahara would reinvigorate the process. Her delegation also supported the resumption of negotiations without preconditions between the Frente Polisario and Morocco and welcomed all efforts by the African Union to find a just solution. The Committee played an important role in achieving the United Nations goal of eradicating colonialism, and all parties should redouble their efforts to achieve that

goal during the final three years of the Third International Decade for the Eradication of Colonialism.

Hearing of representatives of the Non-Self-Governing Territory

54. *At the invitation of the Chair, Mr. Boukhari (Frente Polisario) took a place at the Committee table.*

55. **Mr. Boukhari** (Frente Popular para la Liberación de Saguia el-Hamra y de Rio de Oro (Frente Polisario)) said that Morocco had occupied Western Sahara since 1975, in flagrant violation of resolutions and decisions of the African Union, United Nations and International Court of Justice. It continued to commit unspeakable human rights violations against the people of Western Sahara and had expelled observers and journalists from the occupied zone, citing national security concerns. Western Saharans continued to face discrimination in the practice of their economic, social and cultural rights, and little progress had been made towards allowing them to exercise their right to self-determination.

56. Even though the Sahrawi Arab Democratic Republic had declared its independence in 1976, it had nonetheless agreed, in 1991, to hold a referendum on independence as proof of its willingness to find a peaceful solution. But 25 years on the people were still waiting for that referendum. Every year, the Security Council extended the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO). The United Nations could organize a referendum within a few months, but it lacked the political will. The Security Council's failure to respond to the Moroccan attempts to obstruct the referendum had damaged the credibility of the United Nations and allowed Morocco to believe that it could act with impunity.

57. In fact, the Mission was being held prisoner by the occupying Power. It was the only peacekeeping operation since 1978 which was not mandated to protect human rights and, in 2016, Morocco had expelled its civil and political components. Since 2012, Morocco had refused to engage in direct negotiations with the Frente Polisario and had declared the previous Personal Envoy of the Secretary-General for Western Sahara, Christopher Ross, persona non grata in 2013. In 2016, it had prevented the Secretary-General from visiting the occupied zone and had nearly caused a military confrontation by violating the terms of the ceasefire in order to construct a highway in a prohibited zone. Morocco had done everything in its power to delay the appointment of the new Personal Envoy and, by extension, the start of negotiations.

58. In January 2017, Morocco had rejoined the African Union, the Constitution of which recognized the borders of member States on the day of their independence. As Morocco had achieved independence in 1956, it should withdraw from the territory of other member States that it had been illegally occupying since 1975 in order to facilitate a solution to the conflict. It was clear that Morocco would not respect the Constitution that it had signed and ratified, threatening the unity and security of Africa. Morocco never missed an opportunity to disparage the African Union in the hopes of impeding its cooperation with the United Nations to achieve a just solution to the conflict.

59. Every year, the General Assembly adopted a resolution calling on the Committee to continue to monitor the question of Western Sahara. To that end, the Committee should conduct a visiting mission and should set a date for the special session on Western Sahara. The Committee should also issue a statement on the plundering of Sahrawi natural resources, the sale of which was being used by Morocco to finance the occupation.

60. The highly sensitive conflict had seen 16 years of war and had caused insecurity and instability across the region. The international community must act to end the injustice of a people living under illegal occupation in the twenty-first century, forced to live under repression in the occupied zone or as exiles. Morocco should attend the upcoming negotiations in a spirit of honest cooperation, without hidden agendas or delay tactics, in order to find a just and lasting solution that would restore stability and security to the region.

61. *Mr. Boukhari withdrew.*

62. **Ms. McGuire** (Grenada) said that Mr. Boukhari had spoken as a representative of the Frente Polisario but not as a representative of Western Sahara, in accordance with the longstanding practice of the Committee, as recorded in its reports and the official records of the General Assembly. While General Assembly resolution 34/37, adopted in 1979, had referred to the Frente Polisario as "the representative of the people of Western Sahara", it was clear from General Assembly records that such a designation had not been intended as an endorsement by the General Assembly of the Frente Polisario as the sole and legitimate representative of the people of Western Sahara. In fact, that precise language had been deleted from the final resolution prior to adoption. In addition, in General Assembly resolution 35/19, adopted in

1980, the word "the" before "representative" had been deleted.

63. **Ms. Challenger** (Antigua and Barbuda) said that the Frente Polisario did not represent the people of Western Sahara and her delegation supported the statement made by the representative of Grenada.

64. **Mr. Bouah-Kamon** (Côte d'Ivoire) said that his delegation was firmly opposed to the participation of the representative of the Frente Polisario as the representative of the Sahara region.

65. **Mr. Koroma** (Sierra Leone) said that the Non-Self-Governing Territories should be treated on a case-by-case basis, but the Committee must also act fairly and be seen to act fairly in order to protect its credibility. His delegation fully supported the work of the Secretary-General and the Security Council to find a lasting and sustainable political solution to the question of Western Sahara.

66. **The Chair** said that, during his tenure as Chair, he would respect General Assembly resolutions 34/37 and 35/19, which referred to the Frente Polisario as the representative of the people of Western Sahara. Anyone who wished to change those resolutions would need to do so in the General Assembly.

67. **Mr. Zamora Rivas** (Observer for El Salvador) said that negotiations between Morocco and the Frente Polisario should be resumed without delay to allow the parties to achieve a peaceful, fair and lasting solution to the question of Western Sahara. His delegation hoped that the return of Morocco to the African Union would enable the parties to begin negotiations on the basis of the Constitutive Act of the African Union Constitution, to which they had subscribed. Article 4b, which called for respect of borders existing on achievement of independence, was fundamental to peace in Africa and in the world, as it guaranteed peace among colonized States as they achieved independence and made it clear that no African State could seize the land of another in the future. Observance of that principle would provide both parties with a solid base for fruitful, just negotiations in accordance with the Charter of the United Nations.

68. **Mr. Hoeseb** (Observer for Namibia) said that Namibia attached great importance to the role of the United Nations in the peaceful resolution of conflicts and applauded the Security Council for its focus on facilitating internationally acceptable solutions to strengthen peace and security in the world. The continued denial of the inalienable right to self-determination of the people of Western Sahara went against the Charter of the United Nations and undermined the authority and credibility of the General Assembly. His delegation welcomed the extension of the mandate of MINURSO and called for full adherence to the ceasefire agreements and implementation of the relevant Security Council resolutions, especially those on the holding of a referendum, so that the question of Western Sahara could be resolved definitely in the near future. In addition, the Secretary-General should finalize without delay the appointment of his Personal Envoy for Western Sahara.

69. **Mr. Paolino** (Observer for Uruguay) said that negotiations between Morocco and the Frente Polisario must be resumed without delay and in good faith with a view to achieving a just, lasting and mutually acceptable solution to the conflict that allowed for the self-determination of the people of Western Sahara, in accordance with the Charter of the United Nations and the relevant General Assembly and Security Council resolutions. His delegation hoped that the next Personal Envoy of the Secretary-General for Western Sahara would be able to start work promptly, and encouraged both parties to collaborate with the United Nations to implement measures designed to ensure full respect for human rights in Western Sahara and the refugee camps.

70. Uruguay was concerned at the expulsion of the civil component of MINURSO by Morocco and at the tension in the Guerguerat region also caused by that country. His delegation therefore congratulated the Frente Polisario and Morocco for withdrawing from Guerguerat.

71. Regional organizations could play an important role in finding peaceful solutions to conflict. Uruguay therefore encouraged the African Union to contribute constructively to bring together the parties. Lastly, a visiting mission should be conducted to Western Sahara in the upcoming months.

72. **Ms. Young** (Observer for Belize) said that Western Sahara had been a Non-Self-Governing Territory since 1963 and, in 1975, the International Court of Justice had confirmed the legal right of the Sahrawi people to self-determination and had found no ties of sovereignty between Western Sahara and either Morocco or Mauritania. The Sahrawi people must be permitted to exercise their right to self-determination in a free and democratic manner. The Frente Polisario was the representative of the people of Western Sahara, in accordance with General Assembly resolutions 34/37 and 35/19, and the omission of the word "the" in resolution 35/19 did not change that fact.

73. The Committee should hold the special session on Western Sahara and should conduct an official visit, within three months, to the occupied Territory, the liberated area and the refugee camps in south-west Algeria. Furthermore, it should recommend the adoption of a resolution in the Fourth Committee to determine a date for a referendum to allow the Sahrawi people to exercise their right to self-determination. The Committee should also acknowledge the December 2016 decision of the Court of Justice of the European Union, which stated that Morocco had no sovereignty over Western Sahara or its natural resources.

74. **Mr. Kadyautumbe** (Observer for Zimbabwe) said that Western Sahara had been on the list of Non-Self-Governing Territories since 1963 and its people remained under foreign occupation and subjected to abject poverty in their own country. There were an estimated 165,000 Sahrawi nationals in refugee camps, including many of the original refugees who had fled Moroccan forces in 1975. Those refugees looked to the international community for assistance in returning to their country, where they should be able to exercise their inalienable right to self-determination.

75. Despite the establishment of MINURSO in 1991, a referendum had not been held and the occupying Power continued to impede all initiatives by the international community to ensure a just and lasting settlement. His delegation supported the extension of that Mission's mandate and urged the parties to resume sincere, free and credible negotiations under the auspices of the Secretary-General and the African Union without preconditions. Lastly, the Committee should conduct a visiting mission to Western Sahara.

76. **Mr. Soumah** (Observer for Guinea) said that his delegation appreciated the efforts of the United Nations to bring about a resumption of negotiations involving all parties, including neighbouring States, in order to achieve a mutually acceptable, negotiated political solution to the question of Western Sahara. It encouraged continued consultations with a view to reaching an agreement based on realism, compromise and the relevant Security Council resolutions. Achieving a political solution to the long-standing dispute and enhanced cooperation between the member States of the Maghreb Arab Union would contribute to stability and security in the Sahel region.

77. Morocco had undertaken important institutional and economic reforms, including strengthening the role of the National Council on Human Rights; cooperating with OHCHR; launching an $8 billion development plan; and holding regional and legislative elections in which representatives of Western Sahara had been elected through a democratic, free and transparent process supervised by national and international observers. Guinea subscribed to the principles of self-determination and negotiated political solutions to conflict, and it therefore supported the autonomy initiative presented by Morocco to the Security Council in 2007.

78. *Ms. Rodríguez Abascal (Cuba), Vice-Chair, took the Chair.*

79. **Ms. Ngyema Ndong** (Observer for Gabon) said that the political process under way in Western Sahara under the auspices of the Secretary-General and his Personal Envoy was essential, and the Moroccan autonomy initiative provided an ideal framework to achieve a compromise solution acceptable to all parties. The initiative adhered to international law, the Charter of the United Nations and the right to self-determination of peoples.

80. Strengthened cooperation among the States in the region, in particular the States members of the Arab Maghreb Union, would help to consolidate the progress made in recent years, which had included the participation of the people of Western Sahara in regional and legislative elections in 2015 and 2016. Her delegation commended the efforts of the Moroccan authorities to promote economic development and ensure protection of human rights.

81. *Mr. Ramírez Carreño (Bolivarian Republic of Venezuela) resumed the Chair.*

82. **Mr. Hilale** (Observer for Morocco) said that it was only in the Special Committee that a person could enter the room and be allowed to speak without requesting or being requested to make a statement. That had occurred in 2016 and again in the current meeting. Both instances had occurred under the presidency of the current Chair and both instances constituted a flagrant violation of the rules of procedure, as the person who had spoken on behalf of the Moroccan Sahara had not submitted a request for hearing. Since the Frente Polisario had begun making statements in the Fourth Committee, the speaker had requested to speak, the request had been conveyed to the Member States, the Special Committee had made a decision on the request and the speaker had then been allowed to address the Committee. The issue was not whether the person represented the people of Sahara; the issue was that the rules of procedure had not been respected. Nobody could address the Special Committee without submitting a formal request and without the Committee having the opportunity to consider the request, as was the case with all the other Non-Self-Governing Territories.

83. Since the Chair had assumed the presidency, the Special Committee had been dishonoured and lost its credibility, and its decisions were based on politics and doctrines.

84. **The Chair** said that the representative of Morocco could continue making his statement but without the insults.

85. **Mr. Hilale** (Observer for Morocco) said that no decision had been made to allow that person to make a statement, and the Chair had done everything in his power to prohibit two legitimate petitioners from addressing the Committee in the previous meeting, in a further obstruction of the rules and procedures. In allowing that to happen, the Secretariat was complicit in working against the Committee. The matter of that person making statements before the Committee had only become a problem since 2016, during which time there had been a desire to advance a specific agenda and flout the Committee's tradition of consensus. The future of the Committee, its credibility and respect were at stake.

86. Morocco's commitment to eradicate colonialism was well documented. It had sponsored the resolution establishing the Committee in 1961 and had hosted its first meeting abroad. In 1956, Morocco had begun to recover its territorial integrity through international agreements negotiated with France and Spain as colonial Powers. Under the Madrid Agreement, the decolonization of the Sahara had been concluded, and it had been at the instigation of Morocco that Western Sahara had been added to the list of Non-Self-Governing Territories in 1963. For that reason, General Assembly resolutions had called for negotiations between Morocco and Spain. The Frente Polisario had not even existed until 1973, when it had been created to oppose the legitimate right of Morocco to territorial integrity. It was clear that the Sahara was Moroccan and that the question should no longer be included on the agenda of the United Nations.

87. Since 1971, Morocco had participated in good faith in United Nations efforts to achieve a definitive, peaceful solution to the conflict. Since 2004, the Security Council had been calling only for a mutually acceptable political solution. In response to that appeal, Morocco in 2007 had submitted an initiative for negotiating an autonomy statute for the Sahara region as a compromise solution, which fully complied with international law, the United Nations Charter, the relevant General Assembly and Security Council resolutions and the right to self-determination. Since 2007, that proposal had been the basis of the ongoing political process, and the Security Council had abandoned all references to referendum and commended the Moroccan initiative. Contrary to the goodwill demonstrated by Morocco, the other parties persisted in obstructing negotiations with attempts to revive a plan that had been deemed inapplicable by the Security Council.

88. Negotiations based on realism and a spirit of compromise were the only way to achieve a mutually acceptable political solution to the regional dispute, and neighbouring States should contribute to the political process. Security Council resolution 2351 (2017) welcomed the serious and credible efforts made by Morocco to move the process forward, and its cooperation with United Nations human rights mechanisms. It also reiterated the Council's request to create a refugee registration in the Tindouf refugee camps. That was a statutory obligation of the Office of the High Commissioner for Refugees and an imprescriptible responsibility of the host country, and the United Nations must pressure the host country to register the refugees and conduct a census. In addition to suffering human rights violations, the camps' population had been deprived of the humanitarian aid sent to them by the international community, and humanitarian funds had been illegally diverted for the benefit of Frente Polisario leaders.

89. Morocco had held regional and legislative elections in 2015 and 2016, respectively, without incident, and the strong turnout was proof of the confidence that the Saharan people had in the political institutions and the electoral process. In addition, the new development model for the Moroccan Sahara, launched in 2015, mobilized almost $8 billion to promote fundamental human rights. Morocco was resolutely committed to the political process led by the Security Council under the auspices of the Secretary-General and his Personal Envoy. United Nations bodies, including the General Assembly and the Special Committee, should respect the Security Council's mandate and the provisions of the Charter, in particular Article 12.

90. **The Chair** said that, unfortunately, there were several discrepancies in the statement made by the representative of Morocco. The representative of the Frente Polisario had in fact sent a request, dated 8 June 2017, to make a statement before the Special Committee on the question of Western Sahara. In addition, the representative of the Frente Polisario had also been invited to speak in the past, during the presidency of Ecuador. The representative of Morocco was discussing Moroccan Sahara whereas the agenda item referred to Western Sahara, so perhaps they were discussing two different matters. The international

community recognized the referendum as the solution to the dispute, not the autonomy initiative proposed by Morocco, which was why the word "referendum" was included in the name of MINURSO. The Committee could not recognize any election in an occupied Territory that had not been validated by the United Nations. The Committee operated under the General Assembly, not the Security Council, and was therefore beholden to its mandate.

91. **Mr. Diallo** (Observer for Senegal) said that a new approach to the question of Western Sahara was needed, especially given the proposed Moroccan autonomy initiative which was the basis of the current political process. The initiative represented the serious and credible efforts of Morocco to resolve the dispute through negotiations between the parties, and was an appropriate framework in which to achieve a positive, definitive outcome based on compromise. Neighbouring States were encouraged to contribute to the political process in accordance with Security Council resolution 2351 (2017), as enhanced cooperation between the member States of the Maghreb Arab Union would contribute to ending disputes in the region.

92. Senegal reiterated its support for the Secretary-General and his Personal Envoy and for the ongoing political process aimed at achieving a mutually acceptable, negotiated political solution to the dispute, as recommended by 12 Security Council resolutions dating back to 2007. The Government of Morocco had made undeniable progress in the promotion of human rights, democracy and socioeconomic development in the region.

93. **Mr. Ntsoane** (Observer for South Africa) said that the decolonization of Western Sahara must be concluded without delay, in line with the decisions of the United Nations and the African Union. The Secretary-General and the envoys appointed by the African Union must also collaborate closely when undertaking missions to Western Sahara. South Africa reiterated its continued support for and solidarity with the people of Western Sahara to achieve their right to self-determination.

94. **Mr. Boukadoum** (Observer for Algeria) expressed his delegation's condolences to the delegation of Nicaragua for the loss of Miguel D'Escoto, former President of the General Assembly.

The discussion covered in the summary record ended at 6.20 p.m.